

Message Text

CONFIDENTIAL

PAGE 01 ATHENS 04054 031721Z
ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 INRE-00 SSO-00 NSCE-00
USIE-00 PM-04 NSC-05 SP-02 SS-15 L-03 CIAE-00
DODE-00 INR-07 PA-01 USIA-06 PRS-01 /057 W
-----031724Z 112413 /53

O P 031638Z MAY 77
FM AMEMBASSY ATHENS
TO SECSTATE WASHDC IMMEDIATE 343
SECDEF WASHDC IMMEDIATE
INFO JCS WASHDC IMMEDIATE
AMEMBASSY ANKARA PRIORITY
USMISSION NATO PRIORITY
USNMR SHAPE
USDELMC
USCINCEUR
CINCUSNAVEUR
CINCUSAFE RAMSTEIN
USDOCOSOUTH NAPLES
DIRNSA

C O N F I D E N T I A L ATHENS 4054

EO 11652: GDS
TAGS: MARR PFOR GR US
SUBJECT: US-DEFENSE COOPERATION DISCUSSIONS: SUPERSEDING
EXISTING AGREEMENTS

REF: STATE 96501 DTG 282227Z APR 77

SUMMARY: COMPROMISE LANGUAGE WORKED OUT AT THE TABLE
FOR DCA ARTICLE XVII, COUPLED WITH ASSURANCES CONCERNING
RATIFICATION OF THE ACCOMPANYING EXCHANGE OF NOTES, APPEARS
TO SATISFY DEPARTMENT'S CONCERNS. ACTION REQUEST: SEE
PARA 6. END SUMMARY.

1. DURING THE APRIL 30 WORKING GROUP MEETING, US SIDE
CONFIDENTIAL

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PAGE 02 ATHENS 04054 031721Z

VOICED REFTEL'S CONCERN REGARDING THE APPARENT CONTRA-
DICTIONS BETWEEN THE TEXT OF DCA ARTICLE XVII AND THAT
OF THE EXCHANGE OF NOTES PROPOSED BY THE GREEKS TO
RESURRECT TERMINATED AGREEMENTS. GREEK SIDE AGREED
TO CONSIDER THE TEXTUAL MODIFICATIONS AIMED AT
AVOIDING THESE SEEMING CONTRADICTIONS AFTER FIRST OPINING
THAT DEPARTMENT'S CONCERN ANXIETY WAS LEGALLY UNFOUNDED.

2. GREEK SPOKESMAN MACHERITSAS STATED THAT THE EXCHANGE OF NOTES WOULD BE SUBMITTED FOR PARLIAMENTARY RATIFICATION ALONG WITH THE DCA, INDICATING HIS AWARENESS THAT THIS WAS NECESSARY NOT ONLY TO SUSTAIN THE PREVIOUS BILATERAL AGREEMENTS TO WHICH IT REFERRED, SOMEWHAT IN THE NATURE OF A "NOVATIO", BUT ALSO TO PROVIDE THE GENERAL AUTHORITY FOR THE CREATION AND OPERATION OF THE JOINT REVIEW COMMITTEE MENTIONED IN THE THIRD PARAGRAPH OF THE NOTES. IN AMPLIFICATION, HE STATED THAT HE INTENDED THAT THE NOTES BE SIGNED IMMEDIATELY AFTER THE DCA, AS THE SECOND DOCUMENT IN THE PACKAGE, AND PRIOR TO THE SIGNING OF ANY OTHER DOCUMENTS. THIS, HE STATED, WOULD OVERCOME ANY QUESTION CONCERNING THE CONTEMPORANEOUS NATURE OF BOTH DOCUMENTS AS WELL AS THEIR INTERRELATIONSHIP.

3. GREEK SIDE OPENED THE MAY 3 WORKING GROUP MEETING BY STATING THEY COULD ACCEPT A MODIFICATION TO THE TEXT OF ARTICLE XVII, BUT THAT THEY DISLIKED THE IMPRECISION AND OPEN-ENDEDNESS OF THE PHRASE "EXCEPT AS OTHERWISE PROVIDED". INSTEAD, THEY PREFERRED "EXCEPT AS OTHERWISE AGREED BETWEEN THE PARTIES". WE CONCURRED. ARTICLE XVII NOW READS: "THIS AGREEMENT CANCELS AND SUPERSEDES ALL AND ANY PREVIOUS BILATERAL AGREEMENTS BETWEEN THE PARTIES CONCERNING THE UNITED STATES MILITARY AND SUPPORTING FACILITIES AND THE STATUS OF THE UNITED STATES FORCES IN GREECE EXCEPT AS OTHERWISE AGREED BETWEEN THE PARTIES."

CONFIDENTIAL

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PAGE 03 ATHENS 04054 031721Z

4. FOR PRESENTATIONAL CONSIDERATIONS AND BECAUSE OF THE EFFECT OF THE ABOVE CHANGE, THE GREEKS REJECTED ANY ATTEMPT TO DELETE THE MODIFYING "ALL AND ANY" FROM THE DESCRIPTION OF AGREEMENTS BEING SUPERSEDED. THEY STATED THAT IT WAS SIMILARLY UNNECESSARY TO CHANGE THE INTRODUCTORY PARAGRAPH OF THE NOTE SINCE THERE SHOULD BE NO QUESTION AS TO THE "MEANING AND EFFECT" OF ARTICLE XVII. THE ORIGINAL INTRODUCTORY PARAGRAPH IN THE NOTE PROVIDES A DIRECT LINKAGE TO THE REFORMULATED ARTICLE.

5. COMMENT: WE BELIEVE THAT THE CHANGE TO ARTICLE XVII, IN COMBINATION WITH PARLIAMENTARY RATIFICATION OF THE EXCHANGE OF NOTES, IS SUFFICIENT TO INSURE THAT THE AGREEMENTS REFERRED TO IN THE NOTES CONTINUE IN FORCE. WE SEE NO NEED TO MAKE ANY FURTHER CHANGES IN THE TEXT OF THE NOTES, SINCE THEY CONSTITUTE AN AGREEMENT WHICH IS REFERRED TO BY AND SUPPLEMENTS ARTICLE XVII.

6. ACTION REQUESTED: WASHINGTON APPROVAL OF THE
TEXT IN PARA 3 ABOVE BY OOB FRIDAY, MAY 6, SO
THAT WE CAN MOVE ON TO COMPLETING THE FIRST PARAGRAPH
OF THE NOTE.
KUBISCH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SECURITY, AGREEMENT DRAFT, DIPLOMATIC DISCUSSIONS, MILITARY BASE AGREEMENTS, INTERGOVERNMENTAL COOPERATION
Control Number: n/a
Copy: SINGLE
Sent Date: 03-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977ATHENS04054
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770154-1216
Format: TEL
From: ATHENS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197705101/aaaadjoz.tel
Line Count: 121
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 04d45087-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 96501
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2323653
Secure: OPEN
Status: NATIVE
Subject: US-DEFENSE COOPERATION DISCUSSIONS: SUPERSEDING EXISTING AGREEMENTS
TAGS: MARR, PFOR, GR, US
To: STATE DOD
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/04d45087-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009